

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**MEMORANDUM AND ORDER**

This matter is before the Court upon the motion of Arthur A. Blumeyer III, a federal inmate in the Federal Corrections Institution in Texarkana, Texas (FCI-Texarkana), to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

## Discussion

The instant § 2255 motion should be dismissed. Movant previously sought and was denied § 2255 relief by this Court. See Blumeyer v. United States, 4:98CV301(JCH) (E.D. Mo.). Movant has not received permission from the Eighth Circuit Court of Appeals to file a second or successive § 2255 motion in this Court. See 28 U.S.C. § 2255.<sup>1</sup>

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that movant's motion to vacate,

<sup>1</sup>Movant seeks permission from this Court to file a second or successive § 2255 motion, but this Court cannot grant such permission. Movant must apply to the Eighth Circuit Court of Appeals for permission to file a second or successive § 2255 motion in this Court.

set aside or correct sentence pursuant 28 U.S.C. § 2255 [Doc. #1] is **DISMISSED**, without prejudice.

**IT IS FURTHER ORDERED** that movant's motion to file a second motion to vacate, set aside or correct sentence [Doc. #3] is **DENIED**, without prejudice.

An appropriate order shall accompany this memorandum and order.

Dated this 27th day of September, 2007.

/s/ Jean C. Hamilton  
**UNITED STATES DISTRICT JUDGE**